

N.D.W.V. LBR 3015-1

Chapter 13 Plan.

(a) The Chapter 13 Plan shall substantially comply with the contents of the sample contained in Appendix F.

(b) If sufficient funds are available, as soon as practicable upon the receipt of payments from the debtor(s), the Chapter 13 trustee shall make distribution to secured and priority creditors in at least the amount set forth in the plan. Such preconfirmation payments are subject to the trustee's ordinary and routine fee as an administrative expense. In the event the case is dismissed or converted to another chapter prior to confirmation, the trustee's fee shall be deemed to be an administrative award pursuant to 11 U.S.C. 503(b).

(c) The plan of any debtor(s) with student loan obligations (see 11 U.S.C. 523(a)(8)) shall state the treatment of the student loan(s). Student loans shall be paid in full with contract rate of interest unless a hardship discharge order is entered which sets forth a different treatment of the claim. Student loans may be paid directly or through the plan as a special class of unsecured claims. In the event the student loan is not paid in full with post-petition interest through the plan, the plan shall clearly state one of the following options:

1. The debtor(s) is (are) paying the student loan in full directly to the creditor at the contract rate of payment.
2. The debtor(s) is (are) paying the student loan in full directly to the creditor pursuant to an agreement by and between the creditor and the debtor(s).
3. The debtor(s) is (are) deferring payment of the student loan until after the completion of this plan. The debtor(s) acknowledge(s) that post-petition interest and other charges

will be accrued against the student loan obligation and that the amount owed at the end of the case will be more than the amount owed at the beginning of the case.

4. The debtor(s) is (are) treating the student loan as a general unsecured creditor to be paid pro-rata with other unsecured creditors. The debtor(s) acknowledge(s) that post-petition interest and other charges will be accrued against the student loan obligation and the amount owed at the end of the case may be more than the amount owed at the beginning of the case. The student loan creditor will apply payments received in the bankruptcy case first to interest and other charges and then to principal.

Cross Reference

11 U.S.C. 1321, et seq.

Bankruptcy Rule 3015

Appendix F

See: Brunner v. New York State Higher Education Services Corp., (1987, CA2, NY), 831 F2d 395